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ZNR UUUUU ZZH
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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7084
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBY/AMEMBASSY CANBERRA 1585
RUEHKO/AMEMBASSY TOKYO 1131
RUEHWL/AMEMBASSY WELLINGTON 2029
RHEHNSC/NSC WASHDC
RUEAWJB/DEPT OF JUSTICE WASHDC
RUEAIIA/CIA WASHDC
RUEATRS/DEPT OF TREASURY WASHDC

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DEPT FOR EAP, EAP/MTS, S/CT, INR/EAP, INL FOR BOULDIN
DOJ FOR AAG SWARTZ, OPDAT FOR LEHMANN/ALEXANDRE/JOHNSON
DOJ/CTS FOR MULLANEY, ST HILAIRE
FBI FOR ETTUI/SSA ROTH
NSC FOR EPHU
NCTC

E.O. 12958: N/A
TAGS: [PREL](#) [KJUS](#) [PGOV](#) [PTER](#) [ID](#)
SUBJECT: RULE OF LAW -- PROSECUTORS GET CLOSE LOOK AT U.S.
JUDICIAL SYSTEM

REF: A. JAKARTA 2852

- [1](#)B. JAKARTA 2797
- [1](#)C. JAKARTA 2496
- [1](#)D. JAKARTA 2346
- [1](#)E. JAKARTA 2101
- [1](#)F. JAKARTA 1410
- [1](#)G. JAKARTA 827

[1](#)1. (U) This message is Sensitive but Unclassified -- Please handle accordingly.

[1](#)2. (SBU) SUMMARY: Accompanied by poloff and DOJ/OPDAT, 11 Indonesian prosecutors from a key task force participated in a November study visit to the U.S. The USG-funded program gave the participants both a broad understanding of the U.S. criminal justice system as well as a more detailed look at how terrorism and other matters are investigated and prosecuted in the U.S. Task Force members were impressed by the focus of the USG on interagency coordination. They also showed great interest in the adversarial court system, which Indonesia is currently examining as a model. END SUMMARY.

ASSISTING A KEY TASK FORCE

[1](#)3. (SBU) As part of its rule of law focus, Mission continues to try to build the capacity of Indonesian prosecutors. The second of two groups from the Attorney General's Task Force on Terrorism and Transnational Crime participated in a comparative study visit to the United States October 31-November 9 (ref F). Created in 2006 with USG support, the Task Force is an elite group of prosecutors who are commissioned to handle high-profile cases involving terrorism, money laundering, trafficking in persons, cybercrime and intellectual property rights (ref B).

[1](#)4. (SBU) Barely one year old, the Task Force has already brought a slew of major cases to trial, winning convictions against 20 terrorists involved in a series of violent attacks in Poso, Central Sulawesi (refs E and G), and in several human trafficking cases. The Task Force is currently prosecuting 20 Jemaah Islamiyah (JI)-linked terrorists (refs

A and D) and is preparing cases against key JI leaders Abu Dujana and Zarkasih (ref G). The delegation was led by newly-appointed Task Force Deputy Chief Soedibyo (one name only) and included prosecutors working on each of the cases cited above.

15. (SBU) The study visit was jointly funded from a \$100,000 FY-06 NADR grant from S/CT and DOJ's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) in Washington DC. The program included courtroom observations and meetings with DOJ and other USG officials in Tucson, Miami and Washington DC. Major themes included the adversarial nature of court proceedings in the United States, interagency coordination and witness/victim services. The group was accompanied by the DOJ Resident Legal Advisor (RLA) at Post, a DOJ/OPDAT Program Analyst and poloff.

A FIRST-HAND LOOK

16. (U) As part of its intense schedule, the delegation received a first-hand look at the U.S. judicial system. Federal prosecutors at the U.S. Attorney's Office in Tucson talked at length with Task Force members about how they handle the thousands of cases involving the smuggling of narcotics, weapons and people across the international border each year. They described the extensive coordination between prosecutors and various other agencies such as the FBI, DHS/ICE, Border Patrol and local police, both informally and through groups such as the Joint Terrorism Task Force (JTTF). Task Force members also witnessed a jury bring in a guilty verdict and the arraignment of recently-arrested suspects, after which judges took questions from the group about the jury system and the structure of the U.S. judiciary. In addition, the prosecutors visited a maximum security federal

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penitentiary in Tucson.

17. (U) The Miami portion of the study visit focused more narrowly on how prosecutors manage the adversarial process that characterizes criminal proceedings in the United States. (Note: in Indonesia's more inquisitorial justice system, judges take on many of the roles that in the United States would fall to prosecutors.) Task Force members observed U.S. prosecutors make opening statements in court, prepare witnesses for trial and argue with defense attorneys regarding a motion to suppress evidence. A U.S. Magistrate Judge answered extensive questions from Task Force members regarding the provision of pre-trial services, criteria applied in bail deliberations and rules of evidence. The group also visited Miami's High Intensity Drug Trafficking Area (HIDTA) Task Force facility where they met with federal prosecutors and local law enforcement agents who work side by side.

18. (SBU) In Washington, Task Force members met with DOJ officials involved in counterterrorism, money laundering and asset forfeiture, trafficking-in-persons, computer crimes, intellectual property rights and international cooperation. They received a briefing on the federal witness protection program from the U.S. Marshall's Service, and met with State Department officials from EAP/MTS, S/CT and G/TIP. Three Task Force members also met with an interagency group at the National Counterterrorism Center.

REINFORCING RULE OF LAW

19. (SBU) The visit was a success in moving forward USG rule of law objectives. The prosecutors--all but two of whom had never visited the United States before--were engaged throughout the trip and clearly appreciated having the opportunity to see the U.S. and study our criminal justice system. Task Force members told us they were impressed with the more active role that prosecutors play in the U.S. and were hopeful that some aspects of the U.S. system would be incorporated into the draft Criminal Procedure Code currently

under development in Indonesia. (Note: DOJ/OPDAT at Post has worked extensively with the Indonesian drafting team to assist the group in moving to a more adversarial, evidence-based system -- ref C.)

¶10. (SBU) Group leader Soedibyo told us he was particularly impressed with the JTTF and HIDTA and hoped that Indonesia would adopt similar interagency models in the future. All the prosecutors said they would share what they learned with colleagues in a combined effort to improve their own criminal justice system.

HUME